IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

WRIT PETITION NO. 2161 OF 2001

BETWEEN

1. Smt. Samund Bai Shrivas Wd/o Late Narottam Prasad Shrivas, aged about 50 years.

2. Dinesh Kumar Shrivas S/o Late Shri Narottam Prasad Shrivas, aged about 32 years.

Both resident of Kanji House, behind Hanuman Mandir, Karbala, Tahsil and District Bilaspur (C.G.).

PETITIONERS

A N D

1. The State of Chhattisgarh, through the Secretary Nagariya Prashashan Evam Vikas Vibhag, Raipur.

2. The Commissioner, Nagar Palik Nigam, Bilaspur.

3. The Commissioner Bilaspur Division , Bilaspur.

4. The Collector, Bilaspur, District Bilaspur .

RESPONDENTS

P. R. No. 2135/01
Presented by Shri Virendra Gandhare
on 8.10.2001

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....WP 2161/01..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

15-12-2005

Shri Arun Kochar, counsel for the petitioners.

Shri V.V.S. Moorthy, Dy. Advocate General, with Shri Sandeep Dubey, Govt. Advocate, for the State of Chhattisgarh.

Shri P. Diwakar, Sr. Advocate, with Shri A.S. Kachhawaha, Advocate, for respondent no.2.

Heard.

By this petition under Article 226/227 of the Constitution of India, the prayer sought for is the compassionate appointment consequent upon the death of the husband of petitioner no.1 and the father of petitioner no.2 on 29/5/2000.

It is contended that before reorganization, State of Madhya Pradesh had formulated the guidelines for compassionate appointment. The further contention is that those guidelines remain in force in the State of Chhattisgarh after reorganization. It is also contended that the State of Chhattisgarh however issued certain instructions after the reorganization not to make appointments as the policy was under consideration for year or so. The matter remained stand and ultimately on 10-6-2003 the policy has been framed by the State of Chhattisgarh. According to the policy, those who died after formation of the State of Chhattisgarh i.e. 1-11-2000 their cases will be considered in accordance with the policy.

The matter was adjourned on the earlier dates so as to enable the State counsel to seek instructions.

Learned Dy. Advocate General submits that the State of Chhattisgarh now decided to consider all those cases prior to three years before of reorganization of the State i.e. who died on 1-11-1997 onwards and as such the present matter is covered within the zone of consideration.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 2161/01 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Shri Moorthy, learned Dy. Advocate Generals submits that the cases in which death of the employee occurred 1-11-1997 onwards would be scrutinized and examined in accordance with the policy as per the policy prevalent at that time. Learned counsel for the State submits that the petitioners should also render equal co-operation in submission of forms, documents and the other formalities which are required for the purpose.

Learned counsel appearing for the petitioners submit that the petitioners will co-operate and appear before the authorities as and when directed.

In view of the submissions made by learned counsel appearing for the parties, without expressing any opinion on the merits of the case, in the opinion of this Court, ends of justice will be served if a direction is given to the authorities to decide the cases of the petitioners in accordance with the policy and necessary orders be passed on or before **30th April, 2006**. The petitioners are also directed to render due co-operation to the authorities. It is made clear that if any grievance still remains, the petitioners may avail the remedy available under the law including filing of the petition.

Subject to the aforesaid observations and directions, this petition stands disposed of with the aforesaid liberty.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

H/-

[पीछे देखिये